

Entered - 01-11-01 - sb
CL 01L0032 - GWENDOLYN BURNS

01- *R* -0954

CLAIM OF:

STEVEN HORWITZ
790 Ponce de Leon, Avenue, NE
Atlanta, Georgia 30306

For property damages alleged to have been sustained when a restaurant was flooded from a water main repair on June 30, 2000 at 790 Ponce de Leon, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell* by *Robert N. Gray* DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0032

Date: June 8, 2000

Claimant /Victim STEVEN HORWITZ
BY: (Atty) (Ins. Co.) _____
Address: 790 Ponce de Leon Avenue, NE, Atlanta, Georgia 30306
Subrogation: _____ Claim for Property damage \$ 4,004.92 Bodily Injury \$ _____
Date of Notice: 1/11/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/30/00 Place: 790 Ponce de Leon, Avenue, NE
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his restaurant was flooded as a result of a water main repair that was performed by United Water Services. However, claimant's claim has been resolved by United Water Services Atlanta.

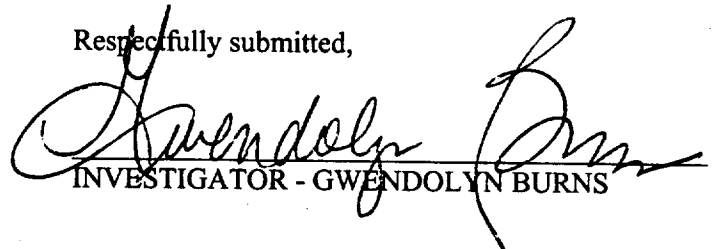
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

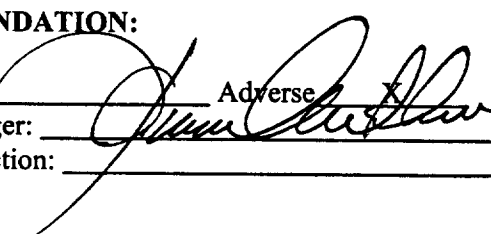
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 06-15-01
Committee Action: _____ Council Action _____

FROM : - Syn. Wdr. 17th
 Toilets flooded
 when fire was working on Hydrants

Dec 5, 2000

BURNS

01/11/01

JULY 1ST 7:00 A.M.

ENTERED - 1-11-01 - SB

01L0032 - GWEN BURNS

- I ARRIVED TO FIND POOLS OF WATER ALL OVER MY RESTAURANT FLOOR.
- WORK CREW FROM UNITED WATER WORKING AT CORNER (DONAVENTURE AND PONCE DE LEON AVE.)
- I WAS TOLD BY CARLOS HAMEN THAT WATER LINE WAS TURNED ON TOO FAST AND HE SAID UNITED WATER WAS RESPONSIBLE. HE CALLED FOR AND RECEIVED AUTHORIZATION TO REPAIR BROKEN ^W PIPE ABOVE FRONT DOOR. CARLOS HAMEN GAVE ME HIS CARD AND REQUESTED LOSS ESTIMATES FOR REIMBURSEMENT.

AUGUST

- CALLED CARLOS HAMEN TO CHECK ON STATUS OF CLAIM. HE COULD NOT FIND MY PAPERWORK AND ADVISED ME TO CALL TRAVELER'S INSURANCE
- TRAVELERS TOLD ME OVER THE PHO.

REPAIRED THE PIPE IN THE EXACT MANNER. EVENTUALLY, I WAS GIVEN THE NAME OF THE CLAIM REP FOR

TRAVELER'S (RICHARD CHOQUETTE)
I CALLED HIM AND EXPLAINED THE
EVENTS. I ALSO INFORMED HIM
THAT THE PLUMBING WAS PERMITTED
IN '94 WHEN I REHABED THE
BUILDING.

SEPT -

RICHARD CHOQUETTE SPOKE TO CARLOS
HAMER. SENT ME A DENIAL LETTER
WITH A DIFFERENT EXPLANATION (SEE
DENIAL LETTER ENCLOSED.)

OVERVIEW OF ADDITIONAL ENCLOSEURES

- UNITED WATER WORK ORDER
6-30-00 TURNED ON H₂O AT 11:40 P.M.
- FIRE DEPT. INCIDENT REPORT
6-30-00 RECEIVED RADIO CALL AT 11:42
TURNED OFF WATER @ STREET

ACCORDING TO UNITED WATERWORKS- DENIAL
LETTER, THEIR ACTIONS HAD NOTHING TO
DO WITH THE FIRE BREAKING IN THE RESTAURANT.

THIS IS CLEARLY NOT THE CASE
AS SHOWN BY THE PAPER WORK
THEY SENT ME. FURTHER MORE,
OUR LOCATION AS SHOWN ON THEIR
MAPS IS INCORRECT. IN FACT,
THE LOCATION IS EVEN DIFFERENT
ON EACH OF THEIR MAPS!!

THANK YOU FOR YOUR TIME, PLEASE
CALL ME WITH ANY QUESTIONS.

STEVEN HORWITZ
404/876-6161

P.S.

REMEMBER THAT THEY REPAIRED
MY PIPE CLAIMING RESPONSIBILITY.
THEY WOULD NOT HAVE DONE THIS
AS A GOOD WILL GESTURE.

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